

**MINNESOTA BOARD OF
PEACE OFFICER STANDARDS AND TRAINING**

**BOARD MEETING
POST Board Office
1600 University Avenue, Suite 200
Saint Paul, Minnesota
January 23, 2014**

MEMBERS PRESENT

Mr. Tim Bildsoe (Chair)
Mr. Dave Bentrud
Mr. Everett Doolittle
Mr. Marty Earley
Mr. Mark Fahning
Ms. Nancy Johnson
Ms. Mylan Masson
Mr. Mark Raquet
Ms. Janelle Rasmussen
Mr. Steve Stotko
Ms. Rebecca Swanson
Mr. Dave Titus
Mr. Kent Wilkening
Mr. Troy Wolbersen
Mr. Michael Young

STAFF PRESENT

Mr. Neil Melton
Ms. Mary Bjornberg
Mr. Jeff Evans
Mr. Paul Monteen
Ms. Terry Sandbeck
Ms. Deb Soderbeck
Ms. Peggy Strand
Ms. Sheryl Waddick

Counsel Present

Mr. Jacob Fischmann,
Assistant A.G.

Others Present

Mr. David Bicking
Ms. Shelby Capacio
Mr. Andrew Ensign
Mr. Dennis Flaherty
Ms. BC Franson
Ms. Michelle Gross
Ms. Deborah Hanssen
Mr. Andrew Henderson
Ms. Janet Nye
Mr. Sam Wagner

Chair Bildsoe called the meeting to order at 10:05 a.m. and welcomed everyone.

The **Forum** was the first item on the agenda. Several representatives from the Communities United Against Police Brutality (CUAPB) were present and three of them wished to address the Board. Chair Bildsoe explained that during the Forum, they have fifteen minutes to speak to the Board and no action would be taken at this point. The first to speak was Ms. Janet Nye. Ms. Nye provided a chronology of events that started on August 28, 2012, when the CUAPB delivered twenty-nine complaints to the POST Board's Executive Director Neil Melton. All of these complaints were about the conduct of one particular officer arising out of his actions while a member of the Metro Gang Strike Task Force. On November 14, 2013, the CUAPB received a letter from Mr. Melton explaining the POST Board lacked jurisdiction regarding the complaints. Mr. Dave Bicking then addressed the Board. He said that the CUAPB has been frustrated by the POST Board's handling of their complaints. He said, "We have done some research and find that the POST Board has failed to follow required procedures in handling our complaints." He quoted Minn. Stat. 214.10, subd. 10-13, specifically 11.A which states, "*No later than 30 days before the (complaint) committee meets, the executive director shall give the licensee who is subject to the complaint and the complainant written notice of the meeting.*" We received no such notice that the meeting was to take place. As the complainant, we were given no opportunity to be heard," he said. Mr. Bicking continued to inform the Board of, "Substantive violations of State Statutes by the POST Board. They have gravely influenced the outcome of these complaints, both the complaints investigated by Ms. Bluhm and the complaints that

received no action. We therefore request of the Board that the complaints investigated by Ms. Bluhm be reconsidered following proper, legally mandated procedures. We also request that our other complaints be promptly investigated and handled in accordance with State mandates. We bring this to the attention of the entire Board today because we ask you to assure your Executive Director, Neil Melton, takes these steps.” Chair Bildsoe told Mr. Bicking he would share the CUAPB’s video of an officer beating a man with the entire board membership. Mr. Bicking quoted additional Minnesota State Statutes and Minnesota Rules and thanked the Board for the opportunity to speak.

Ms. Michele Gross took the floor and spoke to “whistleblower retaliation” regarding two officers who were dismissed from the Crystal Police Department because they complained that the department refused to investigate an incident related to the previously mentioned complaints. Ms. Gross said, “The CUAPB submitted complaints to the POST Board from the two officers that were immediately rejected as “personnel” issues although they were in fact complaints about the illegal conduct on the part of the chief law enforcement officer of the City of Crystal.” She continued by mentioning additional complaints. It was Ms. Gross’ contention that the POST Board has taken no action on any of the five complaints she mentioned though the POST Board’s Allegations of Misconduct Model Policy that requires officers file a complaint regarding misconduct of which they have personal knowledge. She finished with, “We urge you to take action on the six complaints you’ve received from (the two officers) and the community. We must insist on a reconsideration of the (other) twenty-six complaints discussed earlier and the community is expected to follow the laws and rules of society and you must as well. Thank-you.”

Chair Bildsoe said, “I appreciate you all being here today. I know that we have investigated this and I know that Mr. Melton has spent a lot of time, as well as other officers, investigating this. I would be willing to read the materials you provide and would also provide them to all board members, but I want to make it clear. Sometimes people don’t like outcomes, but the process was followed.”

Approval of the Agenda: Prior to the meeting, Chair Bildsoe had received a request to remove Item 8 from the agenda. It would be added to the April 24, 2014 agenda.

- **MOTION:** Mr. Raquet moved to approve the revised agenda. Mr. Fahning seconded the motion. The revised agenda was unanimously approved.

Annual Election of Vice Chair: Chair Bildsoe opened the floor to nominations.

- **NOMINATION:** Mr. Raquet nominated Mr. Mark Fahning to serve as Vice Chair for a second year. Mr. Earley seconded the motion. The nomination was approved unanimously.

Approval of the October 24, 2013 Minutes:

- **MOTION:** Mr. Wilkening moved to approve the minutes of the October 24, 2013 Board meeting. Mr. Stotko seconded the motion. The minutes were approved.

New Staff Member Introduction: Mr. Melton introduced Mr. Jeff Evans as the new Licensing and Testing Coordinator at the POST Board. Mr. Evans addressed the Board and provided information regarding his background in testing. “I’m glad to be here with

you and high on the task list is the electronic testing project," he said. Chair Bildsoe congratulated Mr. Evans and welcomed him to the POST Board.

Mr. Melton then introduced the POST Board's new general counsel, Mr. Jacob Fischmann, Assistant Attorney General. Mr. Fischmann addressed the Board and provided information regarding his background in working with the Department of Public Safety and the Private Detective Board.

Announcements: Mr. Melton announced that three Board members have expressed their intent to leave the Board: Chief Mark Raquet would be retiring as police chief from the Minnetonka Police Department, Dr. Doolittle would be retiring from the college system, and Officer Mike Young would be retiring from the Minneapolis Police Department. Mr. Melton asked that they keep him informed so he could notify the Secretary of State. Chief Raquet said his last meeting would be the April meeting and that, "It has been an eye-opening experience for me and I have enjoyed it very much. I appreciate the POST Board staff and they do an excellent job. Thank-you very much." Mr. Young said, "This will be my last meeting. I'd like to thank the staff and the board members for the time that I've been here. It has been very interesting for me as well." Dr. Doolittle said that he is retiring after 46 years in the system, but that he'd like to continue to serve on the board if possible. Chair Bildsoe said, "We appreciate all of you and it has been great having you on the board, your comments and insight. Your voice will be missed."

Chair Bildsoe then told the Board that Mr. Dave Pecchia, Executive Director of the Minnesota Chiefs of Police Association (MCPA), had resigned his position and is retiring. "He will be missed from the MCPA and also as a great partner with POST." Mr. Melton added, "The relationship between the POST Board and the MCPA has never been stronger due in large part to Mr. Pecchia's willingness to reach across the aisle."

Southwest Minnesota State University (SWMSU), Marshall, Minnesota: Ms. Strand informed the Board the university contacted her regarding an interest in providing the Professional Peace Officer Education (PPOE) program. Ms. Strand requested a "statement of need" from the school and university president, Ms. Connie J. Gores, responded with a letter expressing the need with additional letters of support from a past graduate, a retired State Trooper, and the chiefs of police from the cities of Minnetonka and Montevideo. Ms. Strand's handouts provided statistical information indicating the number of people who have passed the exam and the number of licenses issued for the past eight years. University representative, Ms. BC Franson, was introduced to speak to the Board and provided some details about their four-year, Justice Administration program and how it could impact law enforcement candidates. Prior to the university preparing and submitting an extensive, expensive application for review and potential approval from the Board to offer the PPOE program, they came to the Board looking for a "blessing" to proceed with the process. Discussion ensued.

- **MOTION:** Mr. Wilkening moved to allow SWMSU to take the next step and bring the application to the Board. Ms. Masson seconded the motion. The motion passed.

Ms. Franson hoped to complete and submit the application prior to the end of the school year.

Central Lakes College: Following the requirements of Minnesota Rules, Ms. Strand conducted a site visit and the school was doing everything required for full certification of their program. She recommended the lifting of provisional status by granting full certification of their PPOE program.

- **MOTION:** Mr. Wilkening moved to grant full certification to Central Lakes College's PPOE program. Chair Bildsoe seconded the motion. The motion passed.

Agency Verification Information: Ms. Sandbeck updated the Board regarding the annual agency verification information project. The project verifies agency rosters prior to license renewals being sent out. For the first time ever it was electronically transmitted to all law enforcement agencies in Minnesota. She thanked the four CLEOs on the Board for their assistance in testing the e-mail transmissions and reported the project has gone very smoothly. Response times from the CLEOs have been good.

Part-time Peace Officer Licensure: Mr. Melton provided some background on Part-time Peace Officer Licensure. Over the years, the number of active, part-time licenses has gradually gone down from about 1,400 to about 180. Mr. Dennis Flaherty, Executive Director of the Minnesota Police and Peace Officer Association (MPPOA), addressed the Board telling them that Part-time Peace Officer Licensure had been repeatedly discussed since the formation of the POST Board and he provided additional history. He said, "We have reached a point now where there isn't a need for agencies to have a part-time officer. We are producing more officers than there are jobs to fill and communities can hire a fully trained, licensed person, employ them part-time, and they do not need to take on the liability of having somebody that has no minimal training and limited experience." He said his colleagues at the Minnesota Sheriffs' Association and the Minnesota Chiefs of Police Association are all in agreement that the POST Board should get out of issuing part-time licenses and Mr. Flaherty planned to bring this change to the legislature, but there did not seem to be agreement in how to bring an end to the existing part-time licenses. Extensive discussion ensued. Board members agreed the time had come to bring the issuance of part-time licenses to an end, but consensus as to the process to "sunset" the existing licenses was not acquired.

- **MOTION:** Mr. Titus moved that the POST Board support the end of part-time peace officer license issuance, and that current, active part-time licenses terminate (sunset) three years from the date of legislative enactment by the Governor. Chief Raquet seconded the motion. Discussion continued. Chief Raquet called the question. Chair Bildsoe asked for a roll call vote. Members Bentrud, Doolittle, Earley, Fahning, Johnson, Masson, Raquet, Rasmussen, Stotko, Swanson, and Titus voted in favor of the motion. Members Wilkening and Wolbersen opposed the motion. Chair Bildsoe abstained. The motion passed.

Mr. Flaherty told the Board the bill to change the part-time peace officer statute(s) would be introduced the first day of the upcoming legislative session. Chair Bildsoe commented, "We've moved in this direction incrementally for years. Today it is done."

National Governors Association Project: The State of Minnesota was one of six states awarded a federal grant to develop a plan to assist returning veterans in streamlining the path to getting required state-level credentials in certain occupations,

one being law enforcement. Mr. Melton was asked to participate in the plan development and be Minnesota's representative from the law enforcement field at the National Governors Association's Veterans' Licensing and Certification Demonstration Policy Academy that was held November 19 – 21, 2013 in Washington D.C. He reported, "When we came back from Washington D.C., we had recommendations from the national level to revise Minn. Stat. §626.8517 by reducing the number of years of required "cumulative" military police experience in each of three scenarios by one year. In addition to the legislative change, Minnesota was looking to design a "pilot curriculum" for those military members who don't have military police MOS experience that would allow them to take the reciprocity exam. Discussion ensued.

- **MOTION:** Mr. Wilkening moved that the POST Board support the revision to Minn. Stat. §626.8517. Ms. Masson seconded the motion. The motion passed.

Mr. Melton assured the Board that PPOE coordinators, veterans, the MnSCU schools would all be involved in the development of a *consistent* curriculum for the returning, military members looking to enter the peace officer profession who don't have military police experience. He asked the Board, "Do I have your backing to work on the pilot curriculum?" The Board collectively directed Mr. Melton to be involved. Ms. Masson volunteered to assist.

EXECUTIVE DIRECTOR'S REPORT

FY 2014 Budget: The Board packet contained copies of the POST Boards' budget and Mr. Melton told the members to contact him should they have any questions.

Mr. Young took the opportunity to comment on two issues. "Policies and training are different. Training is where you reduce liability, not policy," he said. Secondly, "About education, I really think this profession is moving away from training police officers. Ninety-five percent of licensed officers are going to be police officers our entire career. We are never going to be in administration and management. I think we are quickly moving down the road of training only future police administrators rather than police officers. I wanted to leave you with that - thank-you."

Chair Bildsoe adjourned the meeting at 12:30 p.m.

The foregoing minutes were approved by the Board of Peace Officer Standards and Training when it met on April 24, 2014.

Tim Bildsoe
Board Chair

Neil W. Melton
Executive Director